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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,286	02/24/2004	Randolph Ware		3844

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EXAMINER

PIHULIC, DANIEL T

ART UNIT PAPER NUMBER

3662

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,286	Applicant(s) WARE ET AL.	
	Examiner Daniel Pihulic	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 15-21 is/are rejected.
- 7) ☒ Claim(s) 7 and 11-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040517</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. Claims 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "The method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 20 recites the limitation "the system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Applicant may have intended claim 20 to depend from method claim 19 instead of apparatus claim 18.

Claim 21 is rejected for depending from rejected claim 20.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 9 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by US6064344. The US6064344 reference discloses a blower (172) with sufficient force to cause movement of precipitation on window (112) as recited in claims 1 and 8.

With regards to claims 2, 15, 20 and 21, the US6064344 reference discloses a blower (172).

With regards to claim 3, the US6064344 reference discloses a window (112) see column 3, line 66 - column 4, line 66.

With regards to claims 4 and 18, the US6064344 reference discloses the window (112) is water resistant, see column 4, line 9.

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With regards to claims 5 and 17, the US6064344 reference discloses blowing air through the window (112), which would inherently cause it to vibrate.

With regards to claims 9 and 19, the US6064344 reference discloses a sensor (200) to activate the blower (172).

With regards to claim 16, the US6064344 reference discloses blowing air through and away from the window (112).

Claims 1-4, 8 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US5065615. The US5065615 reference discloses a blower (32) with sufficient force to cause movement of precipitation on window (30) as recited in claims 1 and 8.

With regards to claim 2, the US5065615 reference discloses a blower (see column 3, line 55).

With regards to claims 3, 4 and 18, the US5065615 reference discloses a window (30).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US6064344 in combination with JP09138272. The US6064344 reference discloses the utilization of a blower (172) with sufficient force to cause movement of precipitation on window (112) as recited in the claim. The difference between the US6064344 reference and the claim is that the claim recites the utilization of a corrective model. The JP09138272 reference teaches that it was well known

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in the art to correct a signal in accordance with the amount of precipitation in the environment. It would have been obvious to modify the US6064344 reference to utilize signal correction as motivated by the JP09138272 reference to enable the US6064344 system to provide more accurate data.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US5065615 in combination with JP09138272. The US5065615 reference discloses the utilization of a blower (32) with sufficient force to cause movement of precipitation on window (30) as recited in the claim. The difference between the US5065615 reference and the claim is that the claim recites the utilization of a corrective model. The JP09138272 reference teaches that it was well known in the art to correct a signal in accordance with the amount of precipitation in the environment. It would have been obvious to modify the US5065615 reference to utilize signal correction as motivated by the JP09138272 reference to enable the US5065615 system to provide more accurate data.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US6064344 in combination with US5065615. The US6064344 reference discloses the utilization of a blower (172) with sufficient force to cause movement of precipitation on window (112) as recited in the claim. The difference between the US6064344 reference and the claim is that the claim recites directing the air flow tangentially. The US5065615 reference teaches that it was well known in the art to direct the air flow tangentially across the system. It would have been obvious to modify the US6064344 reference to direct the air flow tangentially as motivated by the US5065615 reference to enable the US6064344 system to help keep an antenna cover clean.

8. Claims 7 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel T. Pihulic
Primary Examiner
T.C. Art Unit 3662